

1-6-04

Vol. 69 No. 3

Tuesday

Jan. 6, 2004

Pages 485–848



The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see http://www.nara.gov/fedreg.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the Federal Register shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** www.access.gpo.gov/nara, available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via email at <code>gpoaccess@gpo.gov</code>. The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the Federal Register paper edition is \$699, or \$764 for a combined Federal Register, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the Federal Register including the Federal Register Index and LSA is \$264. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is \$10.00 for each issue, or \$10.00 for each group of pages as actually bound; or \$2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 40% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, bookstore@gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 69 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche 202–512–1800
Assistance with public subscriptions 202–512–1806

General online information 202–512–1530; 1–888–293–6498

Single copies/back copies:

Paper or fiche
Assistance with public single copies
202–512–1800
1–866–512–1800
(Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Paper or fiche 202–741–6005 Assistance with Federal agency subscriptions 202–741–6005

What's NEW!

Federal Register Table of Contents via e-mail

Subscribe to FEDREGTOC, to receive the **Federal Register** Table of Contents in your e-mail every day.

If you get the HTML version, you can click directly to any document in the issue.

To subscribe, go to http://listserv.access.gpo.gov and select:

Online mailing list archives FEDREGTOC-L Ioin or leave the list

Then follow the instructions.

What's NEW!

Regulations.gov, the award-winning Federal eRulemaking Portal

Regulations.gov is the one-stop U.S. Government web site that makes it easy to participate in the regulatory process.

Try this fast and reliable resource to find all rules published in the *Federal Register* that are currently open for public comment. Submit comments to agencies by filling out a simple web form, or use available email addresses and web sites.

The Regulations.gov e-democracy initiative is brought to you by NARA, GPO, EPA and their eRulemaking partners.

Visit the web site at: http://www.regulations.gov



Contents

Federal Register

Vol. 69, No. 3

Tuesday, January 6, 2004

Agricultural Marketing Service

RULES

Oranges, grapefruit, tangerines, and tangelos grown in-Florida, 485-487

PROPOSED RULES

Almonds grown in— California, 551

Agriculture Department

See Agricultural Marketing Service See Food and Nutrition Service See Forest Service

Air Force Department

RULES

Privacy Act; implementation, 507–508

Army Department

NOTICES

Privacy Act:

Systems of records, 789–818

Centers for Medicare & Medicaid Services

RULES

Medicaid:

Drug Rebate Program; time limitation on recordkeeping requirements, 508-514

Medicare:

Hospital outpatient prospective payment system and 2004 CY payment rates, 819-844

PROPOSED RULES

Medicaid:

Drug Rebate Program; time limitation on recordkeeping requirements, 565-568

NOTICES

Medicare:

Hospital wage index classification; one-time appeal process, 661-665

Meetings:

Medicare-

Medicare Education Advisory Panel, 665-666

Coast Guard

RULES

Deepwater ports:

Regulations; revision, 723-787

Great Lakes pilotage regulations; rates update

Correction, 533–534

Merchant marine officers and seamen:

Document renewals and issuances; forms and procedures, 526-533

NOTICES

Committees; establishment, renewal, termination, etc.: Coast Guard Mutual Assistance Control Board, 667-668

Commerce Department

See International Trade Administration See National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission NOTICES

Derivatives clearing organizations:

Intermarket Clearing Corp.; designation vacated, 632-633

Copyright Office, Library of Congress

Copyright Arbitration Royalty Panel rules and procedures: Digital performance of sound recordings and ephemeral recordings; reasonable rates and terms determination, 689-690

Defense Department

See Air Force Department See Army Department **NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 633-634

Defense Business Board Advisory Committee, 634-635

Education Department

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 635

Energy Department

See Federal Energy Regulatory Commission See Western Area Power Administration **NOTICES**

Grants and cooperative agreements; availability, etc.: Science Office Financial Assistance Program, 635–640 Meetings:

Environmental Management Site-Specific Advisory Board-

Hanford Site, WA, 641-642 Idaho National Engineering and Environmental Laboratory, ID, 640-641 Northern New Mexico, 641

Environmental Protection Agency

PROPOSED RULES

Air quality planning purposes; designation of areas: Alabama, 558-565 **NOTICES**

Meetings:

Environmental Policy and Technology National Advisory Council, 656-657

Science Advisory Board, 657-658

Pesticides; experimental use permits, etc.:

Dow AgroSciences, et al., 658-659

Executive Office of the President

See Presidential Documents

See Trade Representative, Office of United States

Farm Credit Administration

NOTICES

Meetings; Sunshine Act, 659

Federal Aviation Administration

RULES

Airworthiness directives: General Electric Co., 494-495 Pratt & Whitney, 492-494

Airworthiness standards:

Special conditions—

Airbus Model A300 B4-600, -B4-600R, -F4-600R, A310-200 and -300 series airplanes, 490–492

Polskie Zaklady Lotnicze - Mielec, Model M28 05, 488–490

Class E airspace, 495-497

PROPOSED RULES

Air carrier certification and operations:

Multi-engine airplanes; extended operations, 551–552

Restricted areas, 552-554

NOTICES

Meetings:

Aging Transport Systems Rulemaking Advisory

Committee, 719

Air Traffic Procedures Advisory Committee, 719–720

Passenger facility charges; applications, etc.:

Harrison-Marion Regional Airport; WV, 720

Federal Communications Commission

RULES

Radio stations; table of assignments:

Alabama, 534–535

Nebraska, 535–536

New Mexico, 535

Texas, 534, 536

Utah, 536

Various states, 537

PROPOSED RULES

Radio stations; table of assignments:

Colorado, 613

Illinois, 613

Massachusetts, 613

Michigan, 612

Texas, 612–613

Wyoming, 611-612

NOTIČES

Rulemaking proceedings; petitions filed, granted, denied, etc., 659–660

Federal Emergency Management Agency

RULES

Flood elevation determinations:

Indiana and Ohio, 521-522

Various States, 514–526

PROPOSED RULES

Flood elevation determinations:

North Carolina and Pennsylvania, 586-608

Various States, 570-586, 609-611

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 668–670

Federal Energy Regulatory Commission

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 642–644

Federal Reserve System

NOTICES

Meetings; Sunshine Act, 660

Fish and Wildlife Service

NOTICES

Grants and cooperative agreements; availability, etc.: Private Stewardship Program, 670–671

Food and Drug Administration

RULES

Animal drugs, feeds, and related products:

Ivermectin solution, 501–502

Nitazoxanide paste, 499–500

Trenbolone and estradiol, 500-501

NOTICES

Medical devices:

Premarket approval applications, list; safety and effectiveness summaries availability, 666–667

Food and Nutrition Service

NOTICES

Child nutrition programs:

Summer Food Service Program—

Reimbursement rates (2004 CY), 619-620

Forest Service

NOTICES

Meetings:

Resource Advisory Committee—

Crook County, 621

Resource Advisory Committees—

Catron County, 620

Lincoln County, 620–621

Health and Human Services Department

See Centers for Medicare & Medicaid Services

See Food and Drug Administration

See National Institutes of Health

NOTICES

Organization, functions, and authority delegations:

National Vaccine Program Office, 660–661

Homeland Security Department

See Coast Guard

See Federal Emergency Management Agency

Interior Department

See Fish and Wildlife Service

See Land Management Bureau

See National Park Service

Internal Revenue Service

RULES

Income taxes:

Low-income housing tax credit; section 42 carryover and stacking rule amendments, 502–506

Procedure and administration:

Agent for certain purposes; definition, 506–507

International Trade Administration

NOTICES

Antidumping:

Honey from-

Argentina, 621-627

Large diameter carbon and alloy seamless standard, line,

and pressure pipe from—

Japan, 627-628

Welded carbon steel pipe and tube from—

Turkey, 628

Justice Department

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 683–686

Labor Department

See Occupational Safety and Health Administration

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 685–688

Land Management Bureau

PROPOSED RULES

Environmental statements; availability, etc.:

Grazing administration—

Livestock grazing on public lands exclusive to Alaska, 569–570

NOTICES

Environmental statements; availability, etc.:

Lake and Harney Counties, OR; Lakeview resource management plan, 671

Library of Congress

See Copyright Office, Library of Congress

Medicare Payment Advisory Commission

NOTICES

Meetings, 690

National Institutes of Health

NOTICES

Meetings:

National Cancer Institute, 667

National Institute of Dental and Craniofacial Research, 667

National Oceanic and Atmospheric Administration PROPOSED RULES

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone— Skates, 614–618

NOTICES

Marine mammals:

Taking and importation—

El Salvador; yellowfin tuna and tuna products harvested with purse seine vessels, etc., in eastern tropical Pacific Ocean; affirmative finding renewed Meetings:

New England Fishery Management Council, 629
Pacific Fishery Management Council, 629–630
Permits:

Marine mammals, 630-632

National Park Service

NOTICES

Environmental statements; availability, etc.:

Arkansas Post National Memorial, AR, 671–672 Environmental statements; notice of intent:

Point Reyes National Seashore et al., CA; restoration planning, 672–673

San Francisco Bay, CA; restoration planning, 673–675 Meetings:

Acadia National Park Advisory Commission, 675 Cape Cod National Seashore Advisory Commission, 675

National Register of Historic Places:

Pending nominations, 675–678 Native American human remains, funerary objects;

inventory, repatriation, etc.: American Museum of Natural History, New York, NY, 678

Carlsbad Caverns National Park, NM, 678-679

Louisiana State University Museum of Natural Science, Baton Rouge, LA, 679–680

Minnesota Indian Affairs Council, MN, 680–681

Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA; correction, 681–683

Nuclear Regulatory Commission

NOTICES

Meetings; Sunshine Act, 691

Operating licenses, amendments; no significant hazards considerations; biweekly notices, 691–705 Applications, hearings, determinations, etc.:

Entergy Nuclear Operations, Inc., 690–691

Occupational Safety and Health Administration NOTICES

Meetings:

Ergonomics National Advisory Committee, 688-689

Office of United States Trade Representative

See Trade Representative, Office of United States

Presidential Documents

ADMINISTRATIVE ORDERS

Libya; continuation of national emergency (Notice of January 5, 2004), 845–848

Research and Special Programs Administration RULES

Pipeline safety:

Hazardous liquid transportation—

Hazardous liquid pipeline operator annual report form, 537–550

Securities and Exchange Commission NOTICES

Agency information collection activities; proposals, submissions, and approvals, 705–706

Joint Industry Plan:

International Securities Exchange, Inc., et al., 706–707

Self-regulatory organizations; proposed rule changes:

American Stock Exchange LLC, 708–709

Chicago Board Options Exchange, Inc., 709

Chicago Stock Exchange, Inc., 709–711

Emerging Markets Clearing Corp., 711–712 Fixed Income Clearing Corp., 712–714

International Countries Evaluates Inc.

International Securities Exchange, Inc., 714–716

National Association of Securities Dealers, Inc., 716

Social Security Administration

RULES

Organization and procedures:

Applications and related forms; electronic filing, 497–499 PROPOSED RULES

Supplemental security income:

Income and resource determination, 554–558

State Department

NOTICES

Grants and cooperative agreements; availability, etc.: Middle East Partnership Initiative; correction, 716

Trade Representative, Office of United States NOTICES

Intellectual property rights, countries denying; identification:

Various countries, 718-719

Trade Act of 1974:

Ductile iron waterworks fittings from China; comment request, 716–718

Transportation Department

See Federal Aviation Administration

See Research and Special Programs Administration

Treasury Department

See Internal Revenue Service NOTICES

Agency information collection activities; proposals, submissions, and approvals, 720–722

Western Area Power Administration NOTICES

Power rate adjustments: Loveland Area Projects, 644–649 Pick-Sloan Missouri Basin Program, 649–656

Separate Parts In This Issue

Part II

Homeland Security Department, Coast Guard, 723-787

Part III

Defense Department, Army Department, 789-818

Part IV

Health and Human Services Department, Centers for Medicare & Medicaid Services, 819–844

Part V

Executive Office of the President, Presidential Documents, 845–848

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders: 12543 (See Notice of
January 5, 2004)847 Administrative Orders:
Notice of January 5, 2004847 7 CFR
905485 944485
Proposed Rules: 981551
14 CFR 23
39 (2 documents)492, 494 71 (2 documents)495, 497
Proposed Rules: 1551
21551 25551
33551 73552
121551
135551 20 CFR
404
Proposed Rules: 416554
21 CFR 520499
522500
524501 26 CFR
1502 301506
32 CFR 806b507
33 CFR 148724
149724
150724 40 CFR
Proposed Rules:
52
42 CFR 419
Proposed Rules: 447565
43 CFR
Proposed Rules: 4100569
44 CFR 65 (3 documents)514, 516,
518 67 (3 documents)521, 522, 524
Proposed Rules: 67 (4 documents)570, 584, 586, 609
46 CFR
12
47 CFR 73 (7 documents)534, 535,

536, 537
Proposed Rules: 73 (6 documents)611, 612, 613
49 CFR 195537
50 CFR
Proposed Rules:
679614